



**CABINET FOR HEALTH AND FAMILY SERVICES
OFFICE OF THE SECRETARY**

Steven L. Beshear
Governor

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Janie Miller
Secretary

August 23, 2010

Secretary Nikki R. Jackson
Personnel Cabinet
501 High Street
Frankfort, KY 40601

RE: Proposed Furlough Implementation for the Cabinet for Health and Family Services

Dear Secretary Jackson:

Please find enclosed per the regulatory requirements set forth within 101 KAR 5:015E the Cabinet for Health and Family Service's proposed furlough implementation plan for fiscal year 2010-2011 for your review and approval. Enclosed within these documents are the following:

- The designation of individuals responsible for the oversight and administration of these furloughs with enclosed designation forms
- The proposed manner of how furloughs will be applied to all employees, classified and unclassified
- A request for exemption of specific individuals in the classifications provided in 101 KAR 5:015E, if applicable
- Any specific flexibility considerations or requests with appropriate justification
- Certifications that furloughs will be applied in compliance with the requirements established by 101 KAR 5:015E
- A copy of the sample notice that each employee will receive at least seven (7) days prior to any period of furlough

If you have any questions regarding the Cabinet's proposal please do not hesitate to call.

Sincerely,

Janie Miller
Secretary
Cabinet for Health and Family Services

Enclosures

**CABINET FOR HEALTH AND FAMILY SERVICES
FURLOUGH PLAN**

I. DESIGNATION OF APPOINTING AUTHORITIES

Pursuant to the authority provided in 101 KAR 5:015E and 2010 Extra. Sess. Ky. Acts ch. 1, Part IV, 11 , the Cabinet for Health and Family Services has deemed it appropriate to designate additional individuals to be responsible for the oversight and implementation of the proposed furlough plan. These individuals will be responsible for ensuring that notice will be provided to employees. No other individuals other than those designated in writing have the authority to take such actions related to furloughs. Additionally, these designated individuals will ensure that furlough time is appropriately monitored and taken by CHFS employees.

<u>Name of designated employee(s)</u>	<u>Official Title</u>	<u>Specific Org Units For Which Have Authority</u>
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Please see Attachment A for the list of department officials who will be designated Appointing Authority for the sole purpose of signing notice of furlough letters. CHFS has 18 Departments/Offices with over 7,500 employees located throughout each county of the Commonwealth. Accordingly, CHFS is requesting that Department Heads receive the limited Appointing Authority to organize and coordinate furlough dates. For larger and more complex Departments, Division Directors and the like will receive the limited Appointing Authority as well under the direction and responsibility of the Department Head. This will help the coordination of furlough notices due to the makeup of the Cabinet, rather than have the Office of Human Resource Administration attempt to handle the coordination and notification of approximately 7,500 notices. However, OHRM will provide oversight and support to ensure all state employees are furloughed according to the statute and regulations.

The written designation(s) is/are enclosed with this proposed plan and will be maintained with the Personnel Cabinet. If necessary, additions or changes may be made to these designations, and these changes will only be made to the designations on file with the Personnel Cabinet rather than require an entire change to this proposed plan.

APPLICATION OF FURLOUGH DATES

Three (3) Mandated Shut-down Days September 3, 2010; November 12, 2010; May 27, 2011

(OPTION 1)

The Cabinet for Health and Family Services (CHFS) complies with the mandatory shut-down days. On these dates, except as specified in Options 2 and 3 below, offices will be closed and all employees, including any affected contract workers, will not report to work. The Personnel Cabinet's written notice has already been provided to each employee of these mandated dates via delivery of pay checks.

* * * * *

(OPTION 2)

Part 1: The CHFS Plan includes some portions that will not result in a complete shut-down of its operations on the mandatory days based upon the following:

Planned Travel

CHFS is requesting an exception for the Department for Public Health, Department for Behavioral Health, Developmental and Intellectual Disabilities, and the Department for Community Based Services for travel purposes. Approximately ten state employees have been pre-approved to attend conferences in conjunction with September 3 and will either be traveling to or from said events. No contract workers will be impacted due to travel purposes.

Department for Public Health, Division of Laboratory Services (DLS)

CHFS is requesting an exception for the Department for Public Health, Division of Laboratory Services (DLS). DLS provides time sensitive clinical lab testing needed by healthcare providers to treat patients on a daily basis. DLS is a first line (primary laboratory) used for select testing by hospitals, public health departments, correctional facilities, OSHA, DPH Food and Dairy programs in conjunction with the FDA; DPH preventive medicine; DPH fluoride program; and law enforcement in the Commonwealth. To ensure the safety and health of people throughout the state, it is critical that these services are operational on a daily basis. DLS staff is routinely scheduled to work on weekends and holidays in order to continue these services.

Accrediting and certification agency standards dictate performance that must be met involving specimen management, timing of testing and standard timeframes to deliver results. Each specimen/testing mechanism has different criteria and lab staff is needed to accept and process specimens delivered by US Postal Service, FedEx, UPS, courier service, etc. Specimens must be properly processed, stored and tested within specific timeframes in order to ensure the specimens have not deteriorated and to ensure the test results are accurate. Inaccurate results could lead to improper patient treatment and/or retesting.

32 state employees and nine contract workers will be impacted by the DLS exception request.

Department for Behavioral Health, Developmental and Intellectual Disabilities

CHFS is requesting an exception for certain categories of personnel necessary to protect the health and safety of the patients and meet the state and federal licensure and certification requirements. (See Attachment B)

Additionally, an exception is requested for Cabinet staff who serve the Developmental Disabilities Council (four individuals). To the extent staff had travel or other activities already scheduled for a designated furlough day, they will be permitted to continue those activities and will be furloughed another day. To the extent Council members could incur necessary and actual expenses on furlough days, those expenses will be reimbursed.

Child Support

CHFS is requesting an exception for the Department for Income Support, Child Support Program Services Branch for the check disbursement process which will necessitate KASES and e-MARS being available. This affects two employees in Child Support as well as a small number of employees in CHFS/OATS, the Finance Cabinet and Treasurer's Office. If this process is not performed on September 3 it will result in \$5.4 million dollars not being distributed to 48,000 custodial parents in a timely manner and could create system issues.

Part 2: For those areas requiring an exception to the shut-down dates, the Cabinet for Health and Family Services Plan proposes to implement the required furloughs in the following manner to recognize the mandated savings and implement the required furloughs.

1) The above mentioned employees who will be traveling, 2) certain employees working in 24/7 facilities operated by the Department for Behavioral Health, Developmental and Intellectual Disabilities, and 3) employees working in the Division of Laboratory Services on the September 3 furlough day will be assigned an alternate furlough day within the September 1 – 15 pay period; employees in Child Support will be working only a few hours on September 3 and, therefore, will be furloughed partially on September 3 and then furloughed the difference on another day within the same pay period.

Notices will be provided to the individuals above within seven days of the alternate furlough date in compliance with the regulatory requirements. See Attachment C for sample letters. These letters focus on facility staff, however, we will revise as necessary for the other department exceptions.

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(OPTION 3)

CHFS is requesting on behalf of the Department for Behavioral Health, Developmental and Intellectual Disabilities an exemption from furlough of staff who fall into the categories of direct care and safety at each of our state-operated residential, licensed health care facilities. Specific classifications of personnel requested for exemption are included in Attachment D. This exemption is pursuant to the authority provided in 101 KAR 5:015E and 2010 Extra. Sess. Ky. Acts ch. 1, Part IV, 11(g).

All other employees in CHFS will be furloughed in accordance with Option 1 or Option 2 as indicated above.

Three (3) Non-Designated Months
First Pay Periods in October 2010, March 2011, and April 2011

(OPTION 1)

The Cabinet for Health and Family Services (CHFS) is preparing this portion of the furlough plan and will submit on September 17 as per the deadline extension approved by Secretary Jackson. Note, however, that CHFS has explained the exemption for its facilities in Option 3.

Part 1: To be submitted with the September 17 furlough plan.

Part 2: To be submitted with the September 17 furlough plan.

Part 3: To be submitted with the September 17 furlough plan.

(OPTION 2)*Part 1: To be submitted with the September 17 furlough plan.*

(OPTION 3)

CHFS is requesting on behalf of the Department for Behavioral Health, Developmental and Intellectual Disabilities an exemption from furlough of staff who fall into the categories of direct care and safety at each of our state-operated residential, licensed health care facilities. Specific classifications of personnel requested for exemption are included in Attachment D. This exemption is pursuant to the authority provided in 101 KAR 5:015E and 2010 Extra. Sess. Ky. Acts ch. 1, Part IV, 11(g).

All other employees in CHFS will be furloughed in accordance with Option 1 and Option 2 as indicated above.

III. CONTRACT WORKERS

(Option 1)

The Cabinet for Health and Family Services (CHFS) will furlough all applicable contract workers who are subject to a reduction of hours. Affected contract staff will have their hours reduced in the same manner as state employees during the designated and non-designated months. This applies to all contract employees other than those specified under Option 3 of Section I and II for the Department for Behavioral Health, Developmental and Intellectual Disabilities.

(Option 2)

Department for Public Health, Division of Laboratory Services

For the purpose of the September 3 furlough day, the Department for Public Health, Division of Laboratory Services is requesting an exception for contract staff responsible for providing time sensitive clinical lab testing. Please see detailed justification included in the Three (3) Mandated Shut-down Days section. Nine contract staff covered by the following contracts will be affected:

Adecco – MA-758-0700001086

Bourbon County Health Department – PON 2 728 1000002233 and PON2 728 000002162

Franklin County Health Department – PON2 728 1000002233

Pomeroy – MA-758-1000000413

Department for Behavioral Health, Developmental and Intellectual Disabilities

CHFS has requested an exemption for direct care staff and an exception for certain categories of personnel necessary to protect the health and safety of patients and meet state and federal licensure and certification requirements. Several hundred direct care and administrative and direct care support contract staff will be affected. See Attachment E for contract details. All of the administrative and direct care support contract workers will be furloughed on another day.

IV. REQUIRED CERTIFICATIONS


Please certify, by initial of Cabinet or Independent Agency head, that the statements are true:

We will not involuntarily furlough any employee more than twenty-four (24) work hours in a six (6) month calendar period, as provided in this subsection:

- Employees regularly assigned to a 40-hour work schedule shall be involuntarily furloughed no more than three (3) work days or twenty-four (24) work hours;
- Employees regularly assigned to a 37.5-hour work schedule shall be involuntarily furloughed no more than three (3) work days or twenty-two and one-half (22.5) work hours, which is the equivalent reduction of hours and corresponding pay; and
- All remaining employees on different work schedules shall be involuntarily furloughed in a manner to achieve an equivalent reduction of hours and corresponding pay, which shall be set forth in the furlough plan provided by the Cabinet Secretary or Independent Agency head and approved by the Secretary of Personnel.


(INITIALS)


We will not involuntarily furlough any employee more than 20 percent of an employee's scheduled work hours in any one work week.


(INITIALS)

Employees will not be permitted to utilize accrued leave balances in lieu of a temporary reduction of hours without pay.


(INITIALS)

During the period of furlough, no contractor will receive either additional duties typically performed by a furloughed employee or work additional hours due to the furlough of a state employee.


(INITIALS)

Cabinet for Health and Family Services
Designation of Appointing Authorities

<u>Office of the Secretary/DFRCVS</u> (8 employees/14 employees)		
Eric Friedlander	Policy Advisor	53-721-00; and 730
 <u>Office of Legal Services</u> (38 employees)		
Ryan Keith	Executive Director	53-721-01
 <u>Office of Communications and Administrative Review</u> (31 employees)		
Vikki Franklin	Executive Director	53-721-02
 <u>Office of Human Resource Management</u> (42 employees)		
J.P. Hamm	Executive Director	53-All cabinet employees
 <u>Office of Policy and Budget/DFRCVS</u> (11 employees/14 employees)		
Beth Jurek	Executive Director	53-721-09; and 730
 <u>Office of Administrative and Technology Services</u> (213 employees)		
Frank Lassiter	Executive Director	53-721-10
Shari Randle	Division Director II	53-721-10-04
Rodney Murphy	Division Director II	53-721-10-05
 <u>Office of the Ombudsman</u> (32 employees)		
Norman Ward	Executive Director	53-721-11
 <u>Governor's Office of Electronic Health Information</u> (6 employees)		
Jeff Brady	Executive Director	53-721-12
 <u>Office of Inspector General</u> (226 employees)		
Mary Begley	Executive Director	53-723
Suzanne Hornstein	Special Assistant	53-723
Lee Guice	Division Director II	53-723-06
 <u>Office of Health Policy</u> (10 employees)		
Carrie Banahan	Executive Director	53-724
 <u>Department for Aging and Independent Living</u> (105 employees)		
Deborah Anderson	Commissioner	53-725
 <u>Department for Income Support</u> (575 employees)		
Stephen Jones	Commissioner	53-727
Stephen Veno	Deputy Commissioner	53-727

Department for Public Health (393 employees)

William Hacker	Physician Commissioner	53-728
James Davis	Medical Specialist II	53-728
Rosie Miklavcic	Special Assistant	53-728-05
Kraig Humbaugh	Medical Specialist III	53-728-02
Ruth Shepherd	Medical Specialist III	53-728-03
Guy Delius	Division Director II	53-728-04

Department for Behavioral Health, Developmental and Intellectual Disabilities (1209 employees)

Stephen Hall	Commissioner	53-729
Betsy Dunnigan	Deputy Commissioner	53-729
Kevin Mudd	Division Director II	53-729

Department for Community Based Services (4433 employees)

Patricia Wilson	Commissioner	53-736
Teresa James	Deputy Commissioner	53-736
Mark Cornett	Deputy Commissioner	53-736
Michael Cheek	Division Director II	53-736-02
Cathy Mobley	Division Director II	53-736-03
Mary Beth Jackson	Division Director II	53-736-06
Renee Close	Division Director II	53-736-10
Bruce Linder	Division Director II	53-736-12
Renee Buckingham	Service Region Administrator	53-736-12-01
Joseph Minor	Service Region Administrator	53-736-12-02
Nelson Knight	Service Region Administrator	53-736-12-03
Jocqueline Stamps	Service Region Administrator	53-736-12-04
Lisa Prewitt	Service Region Administrator	53-736-12-05
Grace Akers	Service Region Administrator	53-736-12-06
Vincent Geremia	Service Region Administrator	53-736-12-07
Susan Howard	Service Region Administrator	53-736-12-08
Sandra Rollins	Service Region Administrator	53-736-12-09

Department for Medicaid Services (164 employees)

Betsy Johnson	Commissioner	53-746
Reina Diaz-Dempsey	Deputy Commissioner	53-746
Neville Wise	Policy Advisor	53-746

Commission for Children with Special Healthcare Needs (155 employees)

Shelley Meredith	Division Director II	53-767
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Cabinet for Health and Family Services
DBHDID Exception for Direct Care Support

Physicians
Medical Specialist I, II and III
Psychologist
Psychiatrist
Physiatrist
Podiatrist
Transport Drivers
Pharmacist and techs
Facility Security Officers
Behavior Analyst and Associates
Team Leaders
Switchboard Operators
Lab Techs
Alcohol and Drug Rehab Counselors
Program Investigative Officer I and II
Qualified Mental Health Professionals (QMHP's)
Qualified Mental Retardation Professional (QMRP's)
Therapy Program Assistant
Therapy Program Supervisor Assistant
Occupational Therapists and Assistants
Physical Therapists and Assistants
Speech/Language Pathologists
Food Service workers
Housekeeping
Maintenance Workers/Technicians
Rehabilitation Instructors
Laundry workers
Vocational Rehabilitation/Work Activity workers
Boiler Operators
Therapy Program Coordinative Assistant
Correctional Recreational Leader I
Recreational Leaders
Respiratory Therapist
Recreation Aide
Creative Arts Therapist
Music Therapist
Speech/Hearing Administrator
Case Managers

Staff functioning as AOC's (various Classifications)(Fiscal Manager , Facility and Associate Directors, Facility Administrator Department Heads etc... rotate weekly as Administrator on Call).

Information Technology staff

Social workers

Maintenance Supervisors

Adaptive Equipment Techs

Dentist and Dental Assistant

Electrician

Pool Attendant

Radiologist

X-Ray Tech

Correctional Captain I and II

Correctional Lieutenant

CABINET LETTERHEAD

DATE

Employee Name
Employee Address

RE: Notice of Furlough Exemption
Facility Direct Care

Dear Facility Employee Name:

Pursuant to 101 KAR 5:015E, this letter shall serve as official notice that you are EXEMPT from the Commonwealth's fiscal year 2011 Furlough Plans. The exemption was approved because your position is directly responsible for the care and safety of residents in CHFS's 24-hour facilities. Therefore, you can DISREGARD the Formal Notice of Furlough Dates you received with your August 13, 2010 paycheck.

Accordingly, you shall report to work as your supervisor directs and no furlough provision applies to you.

As provided in 101 KAR 5:015E, this is not an appealable action.

If you have any questions regarding the above-referenced information, please feel free to contact your facility human resource office.

Sincerely,

J.P. Hamm
CHFS Appointing Authority

CC: Personnel File
Dr. Stephen Hall

CABINET LETTERHEAD

DATE

Employee Name

Employee Address

RE: Notice of REVISED Furlough Date

Dear Employee Name:

Pursuant to 101 KAR 5:015E, this correspondence shall serve as official notice of your revised furlough date. Your position in the facility is not exempted from the Commonwealth's fiscal year 2011 Furlough Plans.

As you know, the facilities need to maintain appropriate support for the direct-care employees. Therefore, you shall report to work on September 3, 2010 (the Commonwealth's first mandated shut-down date).

Instead, you shall be furloughed on September __, 2010. Your hours will be temporarily reduced without pay and you should not report to work on your revised furlough date unless your supervisor contacts you to respond to an emergency situation.

As provided in 101 KAR 5:015E, this is not an appealable action.

If you have any questions regarding the above-referenced information, please feel free to contact your facility HR office.

Sincerely,

J.P. Hamm

CHFS Appointing Authority

CC: Dr. Stephen Hall
Personnel File

CABINET LETTERHEAD

DATE

Employee Name
Employee Address

RE: Notice of September 3, 2010 Furlough Date

Dear Employee Name:

Pursuant to 101 KAR 5:015E, this correspondence shall serve as official notice that your position is not exempted and you are to be furloughed on September 3, 2010 (the Commonwealth's first mandated shut-down date). Therefore, your hours will be temporarily reduced without pay and you should not report to work on September 3, 2010 unless your supervisor contacts you to respond to an emergency situation.

As provided in 101 KAR 5:015E, this is not an appealable action.

If you have any questions regarding the above-referenced information, please feel free to contact your facility HR office.

Sincerely,

J.P. Hamm
CHFS Appointing Authority

CC: Dr. Stephen Hall
Personnel File

Cabinet for Health and Family Services
DBHDID Exemption for Direct Care and Security

Patient Aide I (4301) and II (4302)
Nurse Aide State Register I (4310) and II (4311)
RN (4321) and RNA (4307)
LPN (4312) and LPNA (4306)
LPN Supervisor Coordinator (4315)
Nurse Shift /Program Supervisor (4323)
Institutional Recreation Leader I (4132) and II (4133)
Charge Nurse (4322)
Medication Aide (4309)
Correctional Officer (2201)
Correctional Sergeant (2202)
Therapy Program Supervisory Assistant (4129)*
Office Support Assistant I (9002) and II (9003)*
Administrative Specialist I (9611), II (9612), and III (9613)*

* These classifications are used for many different purposes throughout state government. In DBHDID facilities, they are also utilized for persons acting as Floor or Unit Supervisors and Ward Clerks; therefore, not every DBHDID employee in these classifications will be exempt.

Unit	Vendor	Brief Description	TYPE		Number	Direct Care
DDID	University of Ky Research Foundation	Administration of the SCL Program	University	PO2	729 1000003584	No
DBH	Eastern Ky University Research Center	Staffing & Assistance DBH	University	PO2	729 1000003607	No
WSH	Crown (ARNP)	ARNP to do Physicals	PSC	PON2	729 1100000096	Yes
WSH	Crown Medical Services	Dentist and Psychologist	PSC	PON2	729 1000001559	Yes
ALL FAC	AMS Temporaries	Interim Nursing	PSC	PON2	729 1000002836	Yes
ALL FAC	Crown Medical Services	Interim Nursing	PSC	PON2	729 1000002837	Yes
ALL FAC	Guardian Angel Staffing	Interim Nursing	PSC	PON2	729 1000002838	Yes
ALL FAC	Guardian Healthcare Providers	Interim Nursing	PSC	PON2	729 1000002839	Yes
ALL FAC	Nurse Staffing	Interim Nursing	PSC	PON2	729 1000002840	Yes
ALL FAC	Pharmacy Systems	Interim Pharmacy Services	PSC	PON2	729 1000003901	Yes
WSH	Jennie Stuart - Lab	Laboratory Management	PSC	PON2	729 1000003997	No
GSNF	Phillip Bale	Medical Director	PSC	PON2	729 1000002456	Yes
CICF	Guardian Healthcare Providers	Misc. Professional Svcs - Multiple	PSC	PON2	729 1100000090	Both
CICF	Staff Easy	Misc. Professional Svcs - Multiple	PSC	PON2	729 1100000091	Both
HAZ	Crown Services	Misc. Professional Svcs - Multiple	PSC	PON2	729 1100000016	Both
HAZ	Guardian Healthcare Providers	Misc. Professional Svcs - Multiple	PSC	PON2	729 1100000017	Both
CSH	Insight Psychological Consult	Neuropsychological/Psychology Services	PSC	PON2	729 1100000100	Yes
CICF	Guardian Healthcare Providers	Occupational Therapy Services	PSC	PON2	729 1000002391	Yes
CICF	Theracare Alliance	Physical & Speech Therapy	PSC	PON2	729 1100000101	Yes
HAZ	Theracare Alliance	Physical and Occupational Therapy	PSC	PON2	729 1100000062	Yes
CSH	Theracare Alliance	Physical Therapy Services	PSC	PON2	729 1100000080	Yes
HAZ	Susan Mudd	Speech/Augmentative Comm Tech	PSC	PON2	729 1000004011	Yes
HAZ	Hillaree Needy	Speech Audiologist	PSC	PON2	729 1100000067	Yes
HAZ	River Valley Behavioral Health	Professional Services	MOA	PON2	729 1000001474	Both
GSNF	Pennroyal Regional MHMR	Staffing Assistance	MOA	PON2	729 1000002455	No
CSH	Seven Counties Services	Staffing Assistance	MOA	PON2	729 1000002192	Both
CICF	Seven Counties Services	Staffing Assistance	MOA	PON2	729 1000002193	Both
KCPC	Seven Counties Services	Staffing Assistance	MOA	PON2	729 1000001368	Both
WSH	Pennroyal Regional MHMR	Staffing Assistance	MOA	PON2	729 1000001951	Both
KCPC	Crown Services	Temporaries/Clerical	MA	MA	758 0800002857	No
CSH	Crothall	Housekeeping	MA	MA	758 0900004604	No
WSH	Crothall	Housekeeping	MA	MA	758 M-06010076	No
WSH	Crown Services	Temporaries/Clerical	MA	MA	758 0800002844	No
HAZ	Crown Services	Temporaries/Clerical	MA	MA	758 0800002919	Both
CSH	Morrison's	Dietary Services	MA	MA	758 M-05040046	No
WSH	Morrison's	Dietary Services	MA	MA	758 0800002773	No
WSH	Corporate Security	Security Services	MA	MA	758 0700002065	No